

3:11-cv-277-RJC
(3:07-cr-4-RJC-1)

CHAD V. JACOBS,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.


ORDER

THIS MATTER is before the Court on Petitioner’s Motion to Supplement his Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255, in order to argue the applicability of the recent U.S. Supreme Court case of Alleyne v. United States, No. 11-9335 (June 17, 2013), to Petitioner’s pending Motion to Vacate. Also pending before the Court is another Motion to Supplement by Petitioner, incorrectly docketed as a “Motion for Reduction of Sentence,” in which Petitioner cites to the Fourth Circuit’s en banc decision in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011), for additional authority supporting his motion to vacate. The Court will allow both motions to supplement.

Petitioner also asks the Court to hold his § 2255 petition in abeyance until the Fourth Circuit Court of Appeals issues an opinion in Miller v. United States, No. 13-6254. The Court declines to hold this case in abeyance.

IT IS THEREFORE ORDERED that Petitioner's Motions to Supplement, (Doc. Nos. 3; 6), are **GRANTED**.

Signed: August 19, 2013


Robert J. Conrad, Jr.
United States District Judge

